

**WRITTEN SUMMARY
NUISANCE APPEAL BOARD
MEETING MINUTES
Thursday, September 8, 2016
1:30 p.m.**

The Nuisance Appeal Board meeting was called to order by Chairman, J. Scott Scrimizzi presiding at 1:30 in City Council Chambers, 345 High St, First Floor, Hamilton, Ohio.

Members Present: Chief Craig Bucheit, Chief Steven Dawson, Lorie DiStaola, Myra Hargrove, Eugene Scharf, J. Scott Scrimizzi, and Ashlee Willis.

City Staff Present: Kathy Dudley, Cindy Hogg, Johnicca Creech, Kim Kirsch, Ed Wilson, and Heather Hodges.

Motion to Approve the Recorded Minutes and Written Summary of the August 11, 2016 Meeting

Mr. Scharf suggested that since minutes of 8/11/16 were not distributed with the packets, they go on the agenda with next month's agenda so that the Board members could have an opportunity to review them prior to voting. With all "ayes", the Motion passed with a vote of 7-0.

Swearing in of Those Providing Testimony to the Nuisance Appeal Board:

Those who were providing testimony to the Nuisance Appeal Board were sworn in by Ms. Dudley, Assistant law Director.

Old Business:

Continuation of August 11, 2016 Appeal Hearing - 641 S. 11th Street - Owner/Appellant Aristocrat Properties

Accepting the Health Commissioner's Report declaring 641 S. 11th Street, Lot 6686, Parcel Number 6451003000073, a Public Nuisance under the City's Codified Ordinance 1709.35

Staff: Cindy Hogg, Registered Sanitarian

Ms. Hogg gave her report. Mr. Scharf made a Motion to continue the hearing until the October meeting to ensure that progress continues and so Mr. Cruz can be present to tell the Board about the progress being made. Ms. Willis asked if the City served Mr. Cruz or his attorney, and Ms. Dudley and Mr. Scharf replied that both are being served. With a 2nd by Ms. Willis and roll call vote of all "ayes", the Motion passes with a vote of 7-0.

New Business:

Continuation of August 11, 2016 Appeal Hearing – 353 Hanover Street – Owner/Appellant: Larry Combs

Accepting the Health Commissioner's Report declaring 353 Hanover Street, Lot 1462, Parcel Number P6421021000013, a Public Nuisance under the City Codified Ordinance 1709.35.

Staff: Cindy Hogg, Registered Sanitarian

Ms. Hogg requested that the Public Nuisance declaration be removed from said property due to the fact that the dwelling is now in compliance. Mr. Combs was in attendance, and Ms. Hogg and Mr. Scrimizzi verified with him that there is no further action needed at this time.

Requested Appeals

Appeal Hearing - 441 and 443 North 5th Street – Owner: J Pacific Ventures LLC

Accepting the Health Commissioner's Report declaring 441 and 443 North 5th Street, Lot 474, Parcel Number P6431016000005, a Public Nuisance under the City Codified Ordinance 1709.35.

Staff: Cindy Hogg, Registered Sanitarian

Ms. Hogg gave her report, including the owner of record (J Pacific Ventures), the number of complaints (16) regarding the dwelling and type of complaints. She went on to state that J Pacific Ventures has been notified of all violations since ownership occurred on 8/21/13. She went on with her report, which included dates of notification of said Rehabilitation Order or Demolition Order, date the property was declared a Public Nuisance, and date the owner was served said Declaration. She then gave a list of repairs that are needed, the date that utilities were turned off, and the cost to the City of maintaining this dwelling.

Mr. Dan Dermody, General Contractor and representative for J Pacific Ventures was present. He testified that he was contacted by J Pacific Ventures about a year ago with a request for him to do an estimate of what he believed needed to be done to the building. They then asked him to do the work on the property. He went on to say that his initial estimate was just over \$42,000.00. They would like him to come down to somewhere closer to \$37,500.00, and he has been in negotiations with them since that time.

Ms. Dudley then gave the history of the legal title to the property. She said that ultimately, J Pacific Ventures has been in control of the property since at least 2013.

There was then a continuation of a discussion between the Board and Mr. Dermody. He stated that he has done work for J Pacific Ventures on 5 other properties, and it has never taken this long to complete the process. He said that he is being told that the issue is cash flow and issues with investors. When asked by Mr. Scharf if he had ever physically met anyone from J Pacific Ventures, he replied that he met Joe Gonzales face-to-face one time in an airport.

There was then a rather lengthy discussion between the Board and Mr. Dermody. During the course of the conversation, Ms. Hogg asked who would be maintaining the property if the work is completed, and Mr. Dermody said that they have a management company. It was brought up by the Board that the management company has not been maintaining the grass at the dwelling. Mr. Dermody said that he has been cutting it as his schedule allows, just as a goodwill gesture. He said that the management company usually starts after the work has been completed.

Mr. Scharf made a Motion to close the Public Hearing. With a 2nd by Chief Dawson and all "ayes", the Public Hearing was closed.

Chief Dawson made a Motion to deny the appeal. With a 2nd by Lori DiStaola and all "ayes" to a roll call vote, the Motion was passed with a vote of 7-0 and the appeal was denied. Ms. Dudley advised Mr. Dermody that a copy of the decision would go out to J Pacific Venture immediately, and he said that he would let them know.

Report # 1 – 814 Campbell Avenue – Owner: Patricia A. Countryman

Receiving the Health Commissioner's Report declaring 814 Campbell Avenue, Lot 3662, Parcel Number P6441003000060, a Public Nuisance under the City Codified Ordinance 1709.35.

Ms. Hogg states that all interested parties have been contacted, and there has been no appeal made regarding this Public Nuisance Declaration.

Ms. Hogg then gives the following report:

There have been 13 complaints associated with this property. These include tall grass, securing the dwelling, dwelling exterior, and rehabilitation or demolition orders. A rehabilitation or demolition order was sent to the owner of record on September 25, 2015, and there has been no response.

The utilities have been off since July 14, 2015. The water and electric were due to non-payment and there was a read out due to the dwelling being vacant. The dwelling has remained vacant since the shut off date by the Utility Department.

The Health Division has spent approximately \$270.00 in contractor fees, and \$623.00 in employee costs. The property continues to deteriorate, and remains a blighting influence on the community.

Report # 2 – 1001 Heaton Street – Owner: Gregory S. Myers

Receiving the Health Commissioner's Report declaring 1001 Heaton Street, Lot 2160, Parcel Number P6421035000001, a Public Nuisance under the City Codified Ordinance 1709.35

Ms. Hogg states that all interested parties have been contacted, and there has been no appeal made concerning this Public Nuisance Declaration.

Ms. Hogg then gives the following report:

There have been 24 complaints associated with this property. These include tall grass, securing the dwelling, removing rubbish, dwelling exterior, junk automobile, dwelling interior, and rehabilitation or demolition orders. A rehabilitation or demolition order was sent to the owner of record on September 10, 2015, and there was no response.

The utilities have been off since September 16, 2015 due to the dwelling being vacant. The dwelling has remained vacant since the shut off date by the City of Hamilton Utility Department.

The Health Division has spent approximately \$54.00 in contractor fees, and \$1,070.00 in employee costs. The property continues to deteriorate, and remains a blighting influence on the community.

Report # 3 – 1105 Ross Avenue – Owner: Randall E. Theiss

Receiving the Health Commissioner's Report declaring 1105 Ross Avenue, Lot 15697, Parcel Number P6412013000027, a Public Nuisance under the City Codified Ordinance 1709.35.

Ms. Hogg states that all interested parties have been contacted, and there has been no appeal made concerning this Public Nuisance Declaration.

Ms. Hogg then gives the following report:

There have been 23 complaints associated with this property. These include tall grass, rubbish, dwelling exterior, junk automobiles, squatters present, dwelling unsecured, and rehabilitation or demolition orders. A rehabilitation or demolition order was sent to the owner of record on November 17, 2015, and there was no response.

The utilities have been off since October 28, 2011 due to the dwelling being vacant. The dwelling has remained vacant since the shut off date by the City of Hamilton Utility Department.

The City has maintained this property to a cost of approximately \$20.00 in contractor fees, and approximately \$1,000.00 in Health employee cost. The property continues to deteriorate, and remains a blighting influence on the community.

A Motion to receive the Health Commissioners Reports #1 through #3 was made by Ms. Willis, with a 2nd by Mr. Scharf. With all "ayes" to a roll call vote, the Motion passes with a vote of 7-0.

Other:

1. Mr. Scharf requested that the Board consider approving a policy stating that anytime the Board upholds a Nuisance Declaration or when the Health Commissioner makes a Nuisance Declaration, that said Declaration be filed at the Butler County Recorder's office. The purpose is to provide legal notice that the property has been declared a Nuisance.
2. Mr. Scharf requested that the Board approve a policy declaring that the Assistant Law Director is in acting Board Secretary status during the absence of the Community Development Director.

Ms. Willis made a Motion to accept both policies as presented. With a 2nd by Ms. DiStola and all "ayes" to a roll call vote, the Motion passes with a vote of 7-0.

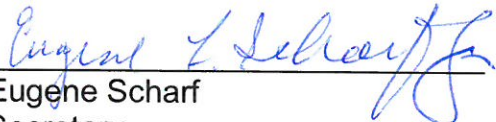
Adjourned:

A Motion to adjourn was made by Chief Dawson. With a 2nd by Chief Bucheit and all "ayes" to a roll call vote, the meeting was adjourned at 2:14 p.m.

Respectfully submitted,

Kim Kirsch
Administrative Assistant

Approved:


Eugene Scharf
Secretary


J. Scott Scrimizzi
Chairman

